

MARVIN EUGENE LONG,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 3:23-CV-00731-LCB**
)
 CITY OF SHEFFIELD, ALABAMA,)
 COUNTY OF COLBERT, ALABAMA,)
 MAX DOTSON, in his individual)
 capacity; DANIEL CREWS, in his)
 individual capacity; TOMMY MILLS,)
 in his individual capacity; BRADLEY)
 SKIPWORTH, in his individual)
 capacity, TIM VANDERFORD, in his)
 Individual capacity; CURTIS BURNS,)
 in his individual capacity, BRETT)
 EVANS, in his individual capacity;)
 CHIEF RICKY TERRY, in his official)
 capacity; SHERIFF ERIC)
 BALENTINE, in his official capacity,)
 TYLER EVANS, in his individual)
 capacity; JONATHAN HARKINS, in)
 his individual capacity; SHEFFIELD)
 POLICE DEPT, COLBERT COUNTY)
 SHERIFF’S OFFICE, and MAYOR)
 STEVE STANLEY, in his official)
 capacity.)
)
 Defendants.)

DANIEL CRUISE¹, TOMMY MILLS, BRADLEY SKIPWORTH, TIM VANDERFORD, JONATHAN HARKINS, AND TYLER EVANS'S

¹ Deputy Daniel Cruise's name was misspelled in the Plaintiff's Complaint. According to the Plaintiff's Complaint, Deputy Daniel Cruise is spelled Daniel Crew.

**MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT²**

COME NOW Defendants Daniel Cruise, Tommy Mills, Bradley Skipworth, Tim Vanderford, Jonathan Harkins, and Tyler Evans and pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 12(e) move this Court to dismiss the Complaint, (Doc. 1), against them or, in the alternative order Plaintiff to file a more definite statement. As reasons for so moving, and as further set out in Defendants' Memorandum Brief filed contemporaneously herewith, Defendants state as follows:

1. Defendants Daniel Cruise, Tommy Mills, Bradley Skipworth, Tim Vanderford, Jonathan Harkins, and Tyler Evans are entitled to state immunity as to the state law claims.

2. Defendants Daniel Cruise, Tommy Mills, Bradley Skipworth, Tim Vanderford, Jonathan Harkins, and Tyler Evans are entitled to Qualified Immunity for all individual claims against them.

3. Plaintiff's official capacity claims against Defendants Daniel Cruise, Tommy Mills, Bradley Skipworth, Tim Vanderford, Jonathan Harkins, and Tyler Evans are due to be dismissed because they are not "persons" subject to liability under § 1983.

² Officer Curtis Burns is a City of Sheffield Police Department who worked with the Drug Task Force. Burns was misidentified in the Plaintiff's Complaint.

4. Plaintiff's Monell claims are inapplicable to the Defendants Daniel Cruise, Tommy Mills, Bradley Skipworth, Tim Vanderford, Jonathan Harkins, and Tyler Evans.

5. Alternatively, Plaintiff's Complaint constitutes a shotgun pleading and Plaintiff should re-plead his claims pursuant to Rule 12(e) of the Federal Rules of Civil Procedure to specify the conduct of each Defendant.

Respectfully submitted this 26th day of June, 2023.

s/J. Randall McNeill

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CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of June 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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s/J. Randall McNeill
OF COUNSEL